

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ARTHUR LEE KLAINS,

Plaintiff,

Case No. 10-12864

v.

Honorable Patrick J. Duggan

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**OPINION AND ORDER**

At a session of said Court, held in the U.S.  
District Courthouse, Eastern District  
of Michigan, on September 8, 2011.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

On July 20, 2010, Arthur Klains (“Plaintiff”) filed this lawsuit, challenging a final decision of Defendant Commissioner of Social Security (“the Commissioner”) denying Plaintiff’s application for Supplemental Security Income and Disability Insurance Benefits. The parties filed cross-motions for summary judgment, and this Court referred both motions to Magistrate Judge R. Steven Whalen.

On July 11, 2011, Magistrate Judge Whalen filed his Report and Recommendation (“R&R”), recommending that this Court deny Plaintiff’s motion for summary judgment and grant the Commissioner’s motion. At the conclusion of the R&R, Magistrate Judge Whalen advises the parties that they may object and seek review of the R&R within

fourteen days of service upon them. R&R 9. He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” *Id.* (citing *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466 (1985); *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981)). Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Whalen.

Accordingly,

**IT IS ORDERED** that Plaintiff's motion for summary judgment is **DENIED**;

**IT IS FURTHER ORDERED** that the Commissioner's motion for summary judgment is **GRANTED**.

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:

Mikel E. Lupisella, Esq.  
Judith E. Levy, A.U.S.A.  
Magistrate Judge R. Steven Whalen